

Record of Proceedings: **April 12, 2016**
West Chester Township Board of Trustees - Regular Meeting

Convene: President Welch convened the meeting at 6:01 p.m.

Roll Call: Mr. Welch, Mr. Lang, and Mr. Wong responded.

Pledge of Allegiance: Led by Boy Scout Jacob Samber and repeated by those present.

Citizen's Comments

Greg Ernst, 8379 Country Oaks Station, president of the Pisgah Youth Organization spoke on behalf of the Executive Board and their Board of Trustees. He noted the PYO began in 1959 and recounted the number of families it has served. He spoke in opposition of the psychiatric, psychotherapy and in-patient drug rehab facility planned for the 11 ½ acres across the street from the PYO, the site of the former West Chester Nursing & Rehabilitation Center. He said his organization believes additional research is necessary before a facility of this type and scale is permitted in an area of their youth facility, residential neighborhood, and day care businesses. He asked the Board to seriously consider declining zoning approval of the proposed business.

Karen Werling, 9057 Cincinnati-Columbus Road, owner of Hickory Dickory Tots, said they were licensed for 274 children between the ages of 6 weeks and 12 years of age, and were located next door to the proposed facility. She noted the number of child related facilities near the proposed facility and objected to having it approved.

Tim Werling, 7505 West Chester Road, owner of Lake Butler on West Chester Road, spoke as a real estate broker. He said the facility will prohibit him from allowing children under 16 years of age to use his lake. He also said it will make a difference in home values.

Tim Heenan, 8850 Brook Knoll Drive, said he's been involved in youth baseball for over 30 years in West Chester. He's also a pharmacist and he's worked in comparable facilities as the one proposed, and said it will use prescriptions more potent than methadone. He said he understood the facility will serve people with behavioral and drug addiction issues. He concluded by saying drug addiction and abuse was a crime, and we're inviting crime into our neighborhood with this facility, and it doesn't belong across from the PYO in a bedroom community.

Matt Campbell, 9501 Short Line Court, spoke in support of Professional Psychiatric Services, the zoning change applicant. He said he believed it would be a benefit to the community and cautioned against fear-mongering. He said it would benefit people with depression or addiction. Mr. Campbell said the argument that the facility shouldn't be near children, daycare, or baseball fields is completely unsupported, and promotes intolerance of people that need help. He concluded by saying people should not be stigmatized for trying to better themselves, rather developing a strong support system and approving the facility would help people within the community.

Presentations

Tim Abbott, Director of Government and Community Relations from Duke Energy thanked the Township for its cooperation and support in implementing an innovative natural gas system in West Chester. Mr. Abbott said it was a 15 year project that was completed last year on time and on budget. He presented a plaque as a token of Duke Energy's appreciation to the Township.

Action Items – For Approval by Motion

MOTION made by Mr. Lang, seconded by Mr. Wong, to approve the Trustee Meeting Minutes for March 22, 2016. Discussion: none. **Motion carried unanimously.**

MOTION made by Mr. Lang, seconded by Mr. Wong, to approve payment of bills. Discussion: none. **Motion carried unanimously.**

Mrs. Boyko submitted the following requisitions greater than \$2,500:

Requisitions – Greater than \$2,500.00

1. Adm \$56,822.92 Frost Brown Todd LLC – Legal services through January 31, 2016
And through February 29, 2016
2. Adm \$36,398.00 Infracore Inc. – Replace Township data protection appliance for disaster recovery (CIP #905)
3. Fire \$19,572.76 Bound Tree Medical LLC – Purchase various disposable EMS supply items for annual bulk order
4. Fire \$12,130.00 Midwest Medical Supply – Purchase various disposable EMS supply items for annual bulk order
5. Fire \$8,500.00 Arrow International – Purchase various disposable EMS supply items for annual bulk order
6. Fire \$3,200.00 Nightingale-Alan MES LLC – Purchase disposable EMS supply item for annual bulk order
7. Fire \$2,681.04 Henry Schein Matrix Medical – Purchase various disposable EMS supply items for annual bulk order
8. Services \$20,000.00 Valley Asphalt Corporation – Purchase asphalt for in-house repair of various Township streets
9. Services \$20,000.00 Northcoast Products – Purchase pavement materials for in-house repair of various Township streets
10. Services \$6,000.00 A-Plus Concrete & Excavation LLC – Purchase mulch for UCB landscape maintenance district
11. Services \$3,900.00 Pinecrest Nursery – Purchase annuals for UCB landscape maintenance district

MOTION made by Mr. Lang, seconded by Mr. Wong, to approve payment of requisitions 1 through 11. Discussion: none. **Motion carried unanimously.**

Personnel Items

MOTION made by Mr. Wong, seconded by Mr. Lang, to hire Mr. James R. Gallaher as a 2016 April through October seasonal employee (Parks) effective April 13, 2016 at the hourly rate of \$11.25. Discussion: none. **Motion carried unanimously.**

Business Items

Mrs. Boyko introduced the next item saying the Board began the process at its March 8th meeting and conducted a public hearing at the March 22nd meeting pursuant statute.

MOTION made by Mr. Lang, seconded by Mr. Wong, to approve statutory Resolution No. 08-2016 authorizing the establishment of a "No Parking Zone" restricting vehicle parking at any time for the entire length and on both sides of Wunnenburg Way and Shepherd Farm Drive. Discussion: Mr. Wong reiterated the process and observation by the police and fire departments. Mr. Lang provided additional clarification, noting deliveries would not be impacted. He also said the "no parking" signage would be effective May 13, 2016 if this motion is approved. Mr. Welch compared the impacted area to rest stops. **Motion carried unanimously.**

Mrs. Boyko introduced the next item observing that the foundation has sponsored this event in the past.

MOTION made by Mr. Wong, seconded by Mr. Lang, to approve a license agreement between West Chester Township and Neurosurgery Fitzpatrick Chiari Foundation (NFCF) for the use of a portion of Township property at 8630 and 8558 Beckett Road and ancillary and adjacent public roadways for the production and presentation of the LEI 5K Run/Walk and Post Race LEI Bash (Friday, June 24, 7 p.m. until midnight) and to authorize the Township Administrator to execute said agreement. Discussion: none. **Motion carried unanimously.**

Mrs. Boyko introduced the next item saying

MOTION made by Mr. Lang, seconded by Mr. Wong, to apply for 2016-2017 U.S. Department of Justice Bulletproof Vest Grant and if awarded, authorize the Township Administrator to accept said grant. Discussion: Mr. Lang said we needed to protect our law enforcement personnel because there are pockets of deep poverty in West Chester. **Motion carried unanimously.**

First Reading of Resolutions & Reading of Emergency Resolutions

Mrs. Boyko introduced the next item saying the moratorium is possible under Limited Home Rule authority and would be effective immediately if approved. The purpose for a moratorium is to allow the study and analysis of the uses, impact, and secondary effects to community by such treatment facilities before rendering a final decision.

Mrs. Boyko read Resolution 09-2016 declaring and authorizing a moratorium effective the date of this resolution until December 31, 2016 on the issuance of a zoning certificate or other approval for treatment or professional services, uses, or facilities for addiction or other similar services, uses, or facilities and declaring an emergency and dispensing with the second reading. The Board had no questions.

Citizen's Comments

Tom O'Brien, 9139 Revere Run, noted the history of his family in West Chester and his participation with the PYO. He questioned the location of the proposed treatment facility across from the PYO.

Laurie Shaber, 8976 Revere Run, said she was an RN, recognizes the need for a treatment facility exists, but expressed concern with "what the facility will bring", and observed that the property fronts on Cincinnati-Columbus Road as well as Cox Road. She said the patients need the hospitals that already exist in the community.

Second Reading & Vote on Pending Resolutions & Vote on Emergency Resolutions

MOTION made by Mr. Lang, seconded by Mr. Wong, to declare Emergency Resolution No. 09-2016 an emergency and dispense with the second reading. Discussion: none. **Motion carried unanimously.**

MOTION made by Mr. Lang, seconded by Mr. Wong, to approve Resolution No. 09-2016 as read and as already declared an emergency. Discussion: Mr. Wong said he appreciates being able to hear both sides of an issue. He added he believed the moratorium is necessary in order to give them more time to study the matter, adding that the entity has not as yet submitted an application for a zoning certificate. Mr. Lang said the moratorium would be in effect until December 31st or sooner if the Board feels it's prepared to act, and all staff members are prohibited from issuing a zoning certificate for specified treatment purposes during this period. Mr. Lang said it was likely the Board would update its Zoning Resolution if detrimental secondary effects from such uses were identified. He observed the need for and benefit of such facilities, and expressed appreciation for the citizens' comments. He also noted the Board has a history of implementing moratoriums when it wishes to research a matter further. Mr. Welch agreed with the other two and commented on the applicable zoning resolution, saying the Board was concerned with "the clarity and specificity of these and other portions of the Zoning Resolution as they pertain to distinguishing between hospitals, medical centers, and methadone and similar high volume treatment centers, as well as the definition and application of 'high volume'". **Motion carried unanimously.**

Discussion Items & Elected Official Comments

Mrs. Boyko said she's received information on a 2014 Ohio Attorney General's opinion allowing townships under its limited home rule authority to adopt a resolution prohibiting the burial of human remains in private or family cemeteries. She said a proposed resolution was being drafted for the Board's consideration and asked the Board for discussion or how they would like to proceed. Mr. Lang asked if a cemetery on private land goes into a state of disarray, would it become the responsibility of the township to maintain. Mrs. Boyko responded that it depended on the circumstances and was questionable. She said they were not aware of any such cemeteries in the township. Mrs. Boyko asked if the Board would like to act on the matter. No one expressed objection to moving forward.

Mrs. Boyko said the rentals terms for the Muhlhauser Barn were originally determined in 2007, and reviewed many of those terms. She suggested the Board consider amending the terms for greater efficiencies and eliminate the resident rate, effectively increasing the rate such that they would be uniform. The Board members expressed support for the proposal and agreed to discuss further at an upcoming meeting.

Mr. Lang encouraged everyone to drive safely. Mr. Welch commented on the Farmers Market.

Recess to Executive Session

At 6:59 p.m., Mr. Welch asked for a motion to recess the Regular meeting and go into Executive Session with legal counsel for the purpose of considering and discussing (1) Acquisition, sale, or swap of real property, and (2) Current and pending litigation. The Board will return to adjourn the executive session, to vote on a matter, and to adjourn the regular meeting. Motion made by Mr. Lang, seconded by Mr. Wong. Discussion: none. **Motion carried unanimously**

Post Executive Session

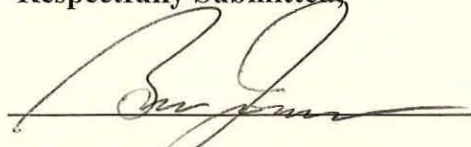
MOTION made at 7:27 p.m. by Mr. Lang to adjourn Executive Session and resume the April 12, 2016 Regular meeting, seconded by Mr. Wong. Discussion: none. **Motion carried unanimously.**

MOTION made by Mr. Wong, seconded by Mr. Welch, to approve and execute Full and Final Release and Settlement Agreement of all Claims for PERSO Claim no. otr016693a1 and to authorize payment of funds designated therein. Discussion: Mr. Welch said the subject Full and Final Release and Settlement Agreement settles litigation of an alleged defamation claim brought by three Police Officers against West Chester Township. The settlement was reached to close the matter in a manner best representing West Chester's commitment to serve the community with integrity and fiscal responsibility. The Full and Final Release and Settlement Agreement does not assign any fault or admit to the correctness of any claim. Rather because of the cost and uncertainty of litigation, the Parties wanted to settle all claims as outlined in the Agreement. All claims are dismissed with prejudice. Court costs and monetary settlement to the Plaintiffs less the Township's deductible will be paid by the Township's risk management insurance provider. No further comment will be offered on the details of the settlement. Mr. Wong commented that the matter was a business decision and is not a matter of who is right or wrong, but doing right for the township. **Motion carried.** Mr. Lang abstained.

Adjournment

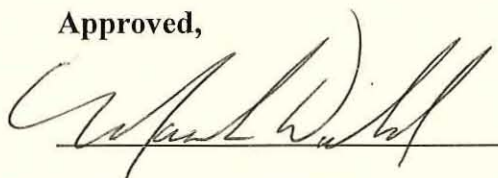
MOTION made at 7:30 p.m. by Mr. Lang to adjourn the April 12, 2016 Regular meeting, seconded by Mr. Wong. Discussion: none. **Motion carried unanimously.**

Respectfully Submitted,



Bruce Jones, Fiscal Officer

Approved,



Mark Welch, President